IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 17311 of 2004

Between:

K. Vishwanatham, S/o. K. Venkataiah, aged 54 years,

Occu: Conductor, Narayanpet Depot, Narayanpet Post and

Mandal, Mahaboobnagar District.

..... PETITIONER

AND

1. The A.P. State Road Transport Corporation, rep by its

Divisional Manager-Mahaboobnagar,
Mahaboobnagar.
2. The Depot Manager, APSRTC, Narayanpet Depot, Narayanpet,
Mahaboobnagar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, direction or writ, particularly one in the nature of writ of Mandamus or any other appropriate writ, declaring the suspension order No. 02/95(174)/2004-NRPT dated 9-9-2004 as illegal and arbitrary and consequently set aside the same.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondent Nos.1&2 : MR.P.VINAYAKA SWAMY, Standing Counsel for the A.P.S.R.T.C.

The Court at the stage of admission made the following :

THE HONOURABLE DR. JUSTICE G.YETHIRAJULU

Writ Petition No.17311 of 2004

ORDER:

The petitioner is working as a Conductor in the respondent-Corporation. He was issued a charge sheet attributing that he reissued tickets to two passengers. The petitioner was given one week time for filing his explanation and he was simultaneously kept under suspension. The petitioner instead of giving the explanation approached this Court through this writ petition, seeking suspension of the impugned order dated 09.09.2004 placing the petitioner under suspension.

2. The petitioner is contending that the checking Authorities did not make proper enquiry and they resorted to issue the charge sheet on certain assumptions and presumptions.

3. These are all the questions of fact to be considered by the Enquiry Officer during the course of enquiry. Since the respondents initiated the enquiry against the petitioner, they also kept the petitioner under suspension. If the petitioner has sufficient material to show that there is no prima-facie material for conducting an enquiry, he shall file his explanation before the concerned Authority and the concerned Authority may consider his explanation and pass appropriate orders after giving due consideration to the circumstances explained by the petitioner. The petitioner is at liberty to make a representation to the first respondent for raising the suspension order and the first respondent may, after considering the said representation, pass appropriate orders at an early date. The writ petition at this stage cannot be maintained.

4. The writ petition is accordingly disposed of with the above said observation. No order as to costs.

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Dr.G.YETHIRAJULU, J

Dated: 28th September, 2004.

Cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Divisional Manager, A.P.State Road Transport Corporation, Mahaboobnagar.
2. The Depot Manager, A.P.S.R.T.C., Narayanpet Depot, Narayanpet, Mahaboobnagar.
3. Two C.D. copies.